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ASSOCIATION OF AMERICAN RAILROADS and
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RAILROAD ASSOCIATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ASSOCIATION OF AMERICAN
RAILROADS and AMERICAN SHORT LINE
AND REGIONAL RAILROAD
ASSOCIATION,

Plaintiffs,

v.

LIANE M. RANDOLPH, in her official
capacity as Chair of the California Air
Resources Board; JOHN EISENHUT, SUSAN
SHAHEEN, JOHN R. BALMES, DIANE
TAKVORIAN, BILL QUIRK, DEAN
FLOREZ, HECTOR DE LA TORRE,
DAVINA HURT, V. MANUEL PEREZ, ERIC
GUERRA, NORA VARGAS, TANIA
PACHECO-WERNER, GIDEON KRACOV,
HENRY STERN, and EDUARDO GARCIA,
in their official capacities as members of the
California Air Resources Board; STEVEN S.
CLIFF, in his official capacity as Executive
Officer of the California Air Resources Board;
and ROB BONTA, in his official capacity as
Attorney General of the State of California

Defendants.

Case No. 2:23-cv-01154-JAM-JDP

**NOTICE OF MOTION AND
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: August 1, 2023
Time: 1:30 pm
Courtroom: 6 (14th Floor)
Judge: Hon. John A. Mendez

NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on August 1, 2023, at 1:30 pm, or as soon thereafter as the matter may be heard, Plaintiffs Association of American Railroads (“AAR”) and American Short Line and Regional Railroad Association (“ASLRRA”) (collectively, “Plaintiffs”) will and hereby do move for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure and Civil L.R. 65-2 against Defendants LIANE M. RANDOLPH, in her official capacity as Chair of the California Air Resources Board; JOHN EISENHUT, SUSAN SHAHEEN, JOHN R. BALMES, DIANE TAKVORIAN, BILL QUIRK, DEAN FLOREZ, HECTOR DE LA TORRE, DAVINA HURT, V. MANUEL PEREZ, ERIC GUERRA, NORA VARGAS, TANIA PACHECO-WERNER, GIDEON KRACOV, HENRY STERN, and EDUARDO GARCIA, in their official capacities as members of the California Air Resources Board; STEVEN S. CLIFF, in his official capacity as Executive Officer of the California Air Resources Board; and ROB BONTA, in his official capacity as Attorney General of the State of California (collectively, “Defendants”).

Plaintiffs also request additional time for oral argument given the complexity of the issues raised by this motion, which raises challenges to a regulation issued by the California Air Resources Board based on federal preemption and violations of the U.S. Constitution. Plaintiffs respectfully submit that an allocation of two (2) hours of total argument time for the motion would be appropriate.

Plaintiffs’ Motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, the concurrently filed declarations from members of Plaintiffs AAR and ASLRRA, all documents in the Court’s file, and other such written and oral argument as may be presented to the Court.

Respectfully submitted,

Dated: June 20, 2023

By: /s/ Hayes P. Hyde
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CERTIFICATE OF SERVICE

I hereby certify that, on June 21, 2023, I will deliver to FedEx, an express service carrier, a true copy of the Notice of Motion and Plaintiffs' Motion for Preliminary Injunction, along with the accompanying documents, to be delivered to Defendants at the addresses below, with fees for overnight delivery paid or provided:

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